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Plaintiff - *In Pro Se*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SAMUEL BERNARD JOHNSON III,
Plaintiff,

vs.

CHEVRON CORPORATION, a Delaware
corporation, CHEVRON
ENVIRONMENTAL MANAGEMENT
COMPANY, a California corporation, and
DOES 1-10, inclusive

Defendants

Case No.: C 07-05756 SI (JSC)

**PLAINTIFF'S EX PARTE MOTION TO
SHORTEN TIME TO FILE BRIEFS
REGARDING PLAINTIFF'S MOTION TO
MODIFY THE COURT'S MAY 22, 2008,
(CORRECTED) PRETRIAL SCHEDULING
ORDER**

DATE: Friday, August 22, 2008

TIME: 9:00 a.m.

COURTROOM: 10, 19th Floor

JUDGE: Honorable Susan Illston

PLAINTIFF'S EX PARTE MOTION TO SHORTEN TIME TO FILE BRIEFS REGARDING
PLAINTIFF'S MOTION TO MODIFY THE COURT'S MAY 22, 2008, (CORRECTED) PRETRIAL
SCHEDULING ORDER, CASE NO. C 07-05756 SI (JCS)

Samuel Bernard Johnson III, (hereinafter referred to as "Plaintiff Johnson") hereby moves the Court for an Ex Parte Motion pursuant to Civil Local Rules 6-3 and 7-10 and for an order to Shorten Time for Delia A. Isvoranu of Filice Brown Eassa & McLeod LLP, (hereinafter referred to as "Counsel for Chevron") to file and serve its Opposition to Plaintiff's Motion to Modify the Court's May 22, 2008, (Corrected) Pretrial Scheduling Order.

I. REASONS TO SHORTEN TIME FOR COUNSEL FOR CHEVRON TO FILE ITS OPPOSITION TO PLAINTIFF JOHNSON'S MOTION TO MODIFY THE COURT'S MAY 22, 2008, (CORRECTED) PRETRIAL SCHEDULING ORDER

There currently exists several discovery disputes in this action that deal with discovery that will lead to admissible evidence in this action that will prove Plaintiff Johnson's claims and allegations in this action. The requested discovery also will seek Plaintiff Johnson in calculating the damages in this action. More importantly, the withheld discovery by Counsel for Chevron on a confidentiality and privacy rule is needed in order for Plaintiff Johnson to take depositions as well as to assist Plaintiff Johnson in preparing for 36(b) depositions. Plaintiff Johnson communicated that he needed the withheld held discovery to do such during a June 26, 2008, meet and confer with Counsel for Chevron.

II. EFFORTS PLAINTIFF JOHNSON HAS MADE TO OBTAIN A STIPULATION

Prior to the June 26, 2008, meet and confer with Counsel for Chevron and during the meet and confer with Counsel for Chevron Plaintiff Johnson requested a stipulation from Counsel for Chevron to change the May 22, 2008 (Corrected) Pretrial Scheduling Order. Counsel for Chevron has not provided a response to Plaintiff Johnson so Plaintiff Johnson is left with no other choice, but to file this motion and seek such relief from the Court

III. SUBSTANTIAL HARM OR PREJUDICE THAT WOULD OCCUR IF THE COURT DID NOT CHANGE ITS MAY 22, 2008, (CORRECTED) PRETRIAL SCHEDULING ORDER

Plaintiff Johnson contends that because Counsel for Chevron has withheld pertinent discovery that will lead to admissible evidence as well as will assist Plaintiff Johnson in determining damages he will be harmed if this matter is not heard at the same time as Plaintiff

Johnson's Motion to Amend the original Complaint. Likewise, when Plaintiff Johnson filed his Motion to Amend the original Complaint, Plaintiff Johnson requested and provided some legal authorities in support of his request to have the Court's May 22, 2008, (Corrected) Pretrial Scheduling Order modified. Given such, Plaintiff Johnson would like to have this particular motion heard at the August 22, 2008, hearing along side his Motion to Amend the original Complaint.

IV. MOTION IS TO SHORTEN TIME FOR THE COURT TO HEAR A MOTION

This Ex Parte Motion is to shorten the time for Counsel for Chevron to file its responsive pleading to Plaintiff's Motion to Modify the Court's May 22, 2008, (Corrected) Pretrial Scheduling Order as well as for Plaintiff Johnson to file his responsive pleading to Counsel for Chevron's Opposition to Plaintiff's Motion.

A. Plaintiff Johnson's Compliance With Civil Local Rule 37-1(a)

Plaintiff Johnson contends that Civ. L.R. 37-1(a) is not applicable to this Ex Parte Motion to Shorten Time to Modify the Court's May 22, 2008, (Corrected) Pretrial Scheduling Order.

B. Nature of Underlying Dispute In The Motion An Each Party's Position As It Pertains To The Motion

Plaintiff Johnson contends that the underlining dispute in the motion is that Plaintiff Johnson seeks leave from the Court to file a formal Motion to Modify the Court's May 22, 2008, (Corrected) Pretrial Scheduling Order as well as to have this motion heard at the Augusts 22, 2008, hearing that will deal with Plaintiff Johnson's Motion to Amend the original Complaint. Plaintiff Johnson contends that Counsel for Chevron opposes such a motion to modify the May 22, 2008, (Corrected) Pretrial Scheduling Order as it opposes Plaintiff Johnson's Motion to Amend the original Complaint. Plaintiff Johnson asserts that good cause does appear to grant this motion to have it heard along side Plaintiff Johnson's Motion to Amend the original Complaint.

V. PREVIOUS TIME MODIFICATIONS IN THE CASE, WHETHER BY STIPULATION OR COURT ORDER

Plaintiff Johnson contends that there have been no previous modification requests by Counsel for Chevron or by Plaintiff Johnson to modify the Court's May 22, 2008, (Corrected) Pretrial Schedule.

VI. DESCRIBES THE EFFECT THE REQUESTED TIME MODIFICATION WOULD HAVE ON THE SCHEDULE FOR THE CASE

Plaintiff Johnson contends that his request to have this motion heard along side his Motion to Amend the original Complaint makes good sense. *First*, it saves time at the August 22, 2008, hearing in having to fully address this matter; *Second*, It provides the parties a mechanism to provide the Court with each other's basis for requesting and opposing to have the May 22, 2008, (Corrected) Pretrial Schedule Order moved out; and *Third*, the Court is already scheduled to hear one of Plaintiff Johnson's motion's to have the original Complaint amended. As with Plaintiff Johnson's Motion to Amend the Original Complaint, this motion is supported by good cause.

VII. CONCLUSION

For the reasons as stated herein, Plaintiff Johnson respectfully requests that the Court grant the relief he seeks by the filing of this Ex Parte Motion to Shorten Time To File Briefs regarding Plaintiff's Motion to Modify the Court's May 22, 2008, (Corrected) Pretrial Scheduling Order.

/s/

Dated this 29th day of July 2008

SAMUEL BERNARD JOHNSON III